

# **EXHIBIT C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
SALT LAKE CITY DIVISION**

MICHELLE CURRY, on behalf of herself )  
and all those similarly-situated individuals, )  
PLAINTIFF, )  
V. )  
OUTSOURCED ASSOCIATES & ) Civil Action No.: 2:25-cv-00076  
STAFFING, LLC d/b/a NOW CFO, LLC, )  
DEFENDANT. ) JURY TRIAL DEMANDED  
)  
)  
)  
)  
)

**DECLARATION OF MICHELLE CURRY**

I, Michelle Curry, hereby state, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the factual statements contained herein are made of my personal knowledge and are true and correct.

1. My name is Michelle Curry. I am over 18 years of age and am competent to execute this Declaration.
2. I am the named Plaintiff in this lawsuit.
3. I worked for NOW CFO from May 22, 2023 through November 26, 2024 out of its Atlanta, Georgia office. The day before Thanksgiving, the company fired me because I complained that I wasn't being paid for all hours that I worked.
4. NOW CFO hired me as a controller consultant. I worked remotely from my house, but I also worked from client sites as needed.
5. I reported to April Dietmer, the Atlanta office's Market President.
6. When I was hired, I signed an employment agreement with the company, which is dated May 22, 2023. That agreement is attached as Exhibit A to the Complaint I filed.

7. In my agreement with NOW CFO, the company classified me as a non-exempt employee. I understood that to mean that I could get paid overtime if I worked more than 40 hours in a workweek.

8. The agreement also laid out how I would get paid. On that point, NOW CFO only agreed to pay me for hours that I worked that were billed to a client. At the time I signed this agreement, I didn't know what I know now: this sort of thing is unlawful. Since this pay scheme seemed to apply to every other consultant at NOW CFO, I figured it was normal.

9. Right around my first day of work, the NOW CFO email application was put on my phone. I was able to see my emails from NOW CFO and the clients I serviced at any time, day or night.

10. I was put into a training program as soon as I started that was called "Fill Your Schedule," or something like that. I remember the high points: basically, it's a training program to help us upsell clients. We're told to always look for new client projects, as well as to partner with our business development team to brainstorm how else we can get client work. The whole point of the training is to teach consultants how to get at least forty hours of billable work a week.

11. After I finished the program, I was placed with a client called Hattenhauer Distributing Company for several months. That was a remote role, but I occasionally worked from the client site.

12. While working for Hattenhauer, I was told what things I could bill for, and what I couldn't. These directions came from Ms. Dietmer. I couldn't bill for our regular weekly internal consultant meeting. I also couldn't bill for calls with other consultants to discuss work problems, or for brainstorming sessions with my business development partner where we talked about how

to get new work or upsell a client. I wasn't allowed to bill for meetings with Ms. Dietmer where we talked about how a client project was going (and how I was doing in my job).

13. These calls and meetings that I wasn't allowed to bill for took up a lot of my time. I'd guess that I had between five to fifteen hours of this sort of non-billable time every week. Some weeks might have gone above that, and some weeks there may have been a bit less. But all in all, I did a lot of work for the company that I wasn't allowed to bill. And because I understood that other consultants weren't allowed to bill this sort of work either, I didn't question it at first.

14. During my time with NOW CFO, there were weeks I billed more than 40 hours in a workweek and was paid overtime at time and one half of my normal hourly pay.

15. There were also a lot of weeks where I billed less than 40 hours in a week. On many of those weeks, I worked more than 40 hours, though, because I had to do the work that NOW CFO asked me to do, like go to meetings with my team and Ms. Dietmer, and consult with other colleagues.

16. If the company didn't assign me to a new project right away, I was placed "on the bench." Basically, that means that I was put into a holding pattern until my next project. I was expected to be available to be staffed on new work at the drop of a hat. But I was also supposed to keep looking for new work on my own, too. I also had to keep attending weekly team meetings, as well as meetings with the business development team and Ms. Dietmer to think about how to get more work. I sometimes was also asked to take trainings, draft white papers, help with client pitches, or consult with my colleagues on their projects. I obviously also still checked my emails, as well as sent and responded to emails from Ms. Dietmer, the business development people, and my colleagues.

17. While on the bench, I probably did about 10-20 hours of this sort of work a week that wasn't billed to a client. I thought I was supposed to work to drum up new business. It was encouraged in the training. And those meetings I attended weren't optional.

18. Since I couldn't bill for the work I did while I was on the bench, I wasn't paid. In fact, in May 2024, I wasn't paid for a full pay cycle because I was on the bench. I complained to Ms. Dietmer and Christina Jackson, the Chief Human Resources Officer for NOW CFO, but they both told me that I would only be paid for work that was billed to a client. Because I wasn't working for a client, I wasn't going to get paid.

19. After a couple of weeks, I got off the bench and was staffed with another client. The same process repeated itself: I was only paid for work time that was billed to a client. All of the other work I did as part of my job remained unpaid.

20. Starting in mid-September 2024, I went back onto the bench. I wasn't staffed on a new project, and I wasn't paid for two straight pay periods.

21. After that, I complained again to Ms. Dietmer, Ms. Jackson, and Eric Patrick, Regional Partner. All three of them told me that I could only be paid for work billed to a client.

22. I hired the lawyers who represent me now. My lawyers sent a letter, wherein they demanded on my behalf that NOW CFO pay me for the time I worked that wasn't billed to a client. In the letter, the lawyers also told NOW CFO that I'd be forced to file a lawsuit if the company didn't make things right and pay me what they owed me. Rather than responding to my lawyers, Ms. Dietmer pulled me aside one day and told me that a lot of people would get in trouble if I filed a lawsuit, and asked me how much money it would take to make me go away.

23. I didn't have a substantive response. And obviously NOW CFO didn't pay me. Instead, the day before Thanksgiving, on November 26, 2024, the Company fired me.

24. I still have not been paid any money for the work I did that wasn't billed to a client.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the   day of January, 2025.

  
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Michelle Curry (Jan 13, 2025 13:19 EST)

Michelle Curry